

REMARKS

Allowable subject matter

The examiner indicated that claims 30 and 32 include allowable subject matter. *See* Office action, page 5. Claims 30 and 32 have been put in independent form, which should render claims 30 and 32, and their respective dependent claims, in condition for allowance.

Claim Rejections 35 USC § 103

Claim 16 was rejected under 35 USC § 103(a) as being unpatentable over Microsoft Internet Explorer (MIE) and Dow. Amended claim 16 calls for replacing an other bar with a user selection bar after information included on the other bar is no longer valid, the user selection bar to enable selection of the one of said bars. Neither the MIE reference nor Dow disclose this feature.

The examiner concedes that MIE does not replace a bar with a user selection bar after the information included on the bar is no longer valid. Office action, pages 2-3. Dow does not cure the deficiency of the MIE reference.

For example, Dow's appliance 22 includes a send button 26. Column 4, lines 61-63; column 7, lines 54-57; Figures 1A through 1D; Figure 5. When the send button is activated, a menu, such as the menu illustrated in Figure 5, is displayed. *Id.* Via the displayed menu, a current page (*See* Figure 8C) may be sent. Column 8, lines 54-64; Figure 8C. Notably, the thumbnail shown in Figure 8C appears behind the menu shown in Figure 5. After the page is transferred, progress animation is terminated and the display 24 "returns to a thumbnail view of the image displayed on display 24 *prior to the invocation of the send button 26*". *Id.*, column 10, lines 54-57 (emphasis added). In Dow's example, the image displayed before the invocation of the send button is the thumbnail shown in Figure 8C. Thus, Dow fails to disclose replacement with a user selection bar that enables the selection of another bar. Therefore, for at least this reason, claim 16 is patentable over the cited references.

Additionally, the examiner has not shown a suggestion or motivation to modify the references. Merely identifying different parts of a claim does not make a claimed invention obvious; rather, there must be some suggestion, motivation, or teaching of making the specific combination that was made by the applicant. *In re Kotzab*, 217 F.3d

1365, 1370, 55 USPQ2d 1313 (Fed. Cir. 2000). In the Office action, the examiner points to the MIE reference as teaching a user selection bar 202 and Dow as replacing the other bar with a user selection bar after information included on the other bar is no longer valid. See Office action, page 3, the rejection of claim 34. The examiner's labeling of bar 202 as a user selection bar appears to be in error.

For example, in the rejection of claim 16 the examiner cites to bar 202 as disclosing "one of said bars", which is displayed in response to the selection (201) of the bar (202). Because claim 34 depends from claim 16, it is submitted that bar 202 cannot be both "one of said bars" and "a user selection bar". In particular, the claimed user selection bar is to enable the selection of the one of said bars. Per the examiner's rejection, the selection at 201 produces address bar 202. Therefore, it is believed that the examiner meant to cite to the feature labeled with reference number 201 as disclosing a user selection bar.

Because the Office action is devoid of a reason to modify the MIE reference to replace the address bar 201 after status bar 203 is done, *prima facie* obviousness has not been established. Moreover, the address bar 201 is part of a drop down menu at the top of the display, which has to be selected before a user can see the menu. In contrast, the status bar 203 is opposite 201, at the bottom of the page. Therefore, even if there were some suggestion to modify, which there is not, the claimed invention still would not be taught by the modification. Namely, the menu option at 201 would not automatically replace the status bar. Thus, for this additional reason, claim 16 and claims dependent thereon are patentable over MIE in view of Dow. Reconsideration of the rejection is requested.

Under a similar analysis, claim 26 and claims dependent thereon are also patentable over MIE and Dow. Dow does not have a user selection bar that provides the menu illustrated in Figure 5 and MIE does not replace the other bar with a user selection bar as previously described. Accordingly, reconsideration is requested.

CONCLUSION

In response to the amendments in the remarks herein, the application is believed to be in condition for allowance. The examiner's prompt action in accordance therewith is respectfully requested.

The commissioner is authorized to charge any additional fees or credit any overpayments to Deposit Account 20-1504 (ITL.0528US).

Respectfully submitted,

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